

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claim 2 has been cancelled. Claims 7-9 have been added. Claims 5 and 6 have been withdrawn. Claims 1, 3, 4 and 7-9 are pending and under consideration.

CLAIM REJECTIONS -- 112

Claims 1-4 were rejected under 35 USC 112, second paragraph, as being indefinite. The preamble of claim 1 recites "[a] protective cap...said protective cap comprising...." As such, it is respectfully submitted that the language of claim 1 distinctly points out that the claim is directed to a protective cap and not a combination of a bearing device and protective cover.

Withdrawal of the foregoing rejection is requested.

CLAIM REJECTIONS -- 102

Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Schottdorf et al. (WO 01/25799) (hereinafter "Schottdorf").

Schottdorf discloses a protective hood 8 that covers an axial end of a rolling bearing unit where an angle encoder is structurally integrated with a seal component 5b that is fixed on an outer edge of inner-race component 2b. The protective hood 8 has a central part 9 joined at a radially outer end thereof to a rim component 10 by offset 12. (See Schottdorf, 3:20-3:61 and Figure 1). Offset 12 and rim component 10 are purposefully designed and shaped to provide an air gap 11 between the protective hood 8 and the angular encoder, to effectively promote shielding against external magnetic fields. (See Schottdorf, 2:62-2:65). Additionally, circumferential wall 14 is purposefully designed and shaped to provide an annular clearance 16 between the circumferential wall 14 and outer circumference 15 of outer race 1, to allow extremely quick mounting or removal of protective hood 8. (See Schottdorf, 3:3-3:5 and 3:65-4:3).

Amended claim 1 recites: "...an engagement wall integral with the annular cover-up portion and capable of being removably engaged with an inner peripheral surface of one end of an axial bore of the inner member, whereby the protective cap is removably mounted on the wheel support bearing assembly." Support for this amendment may be found in at least original claim 2 and pages 10 and 11 of the present application. In contrast to claim 1, Schottdorf does not discuss that protective hood 8 is removably engaged with one end of an axial bore of inner

race 2. In Schottdorf, the protective hood 8 only contacts an outer radial surface of inner race 2, and does not even appear to contact the transition between the axial bore and the outer radial surface of inner race 2. As such, it is respectfully submitted that claim 1 patentably distinguishes over Schottdorf.

Claim 2 has been cancelled. Claims 3 and 4 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reason.

Withdrawal of the foregoing rejection is requested.

NEW CLAIMS

Claims 7-9 have been added to present an alternate recitation of the present invention. No new matter has been added. Claims 7-9 recite features that are not discussed in the references relied upon by the Examiner. For example, claims 8 and 9 recite a structure to provide a positive seal against accretion of any metallic particles on the multi-pole magnet. By contrast, Schottdorf includes an air gap 11 and annular clearance 16.

CONCLUSION

There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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